

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0351-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810).

FEE TRANSMITTAL

For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	09/465,530
Filing Date	12/16/1999
First Named Inventor	Nosakhare D. Omolgui
Examiner Name	SANJIV D. SHAH
Art Unit	2176
Attorney Docket No.	MS1 - 362US

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METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25
 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x 50	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x 200	=				
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature	Frank J. Bozzo	Registration No. 36756 (Attorney/Agent)	Telephone (206) 315-4001
Name (Print/Type)	Frank J. Bozzo	Date 7/12/2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Application Serial No.09/465,530
3 Filing DateDecember 16, 1999
4 InventorshipNosakhare D. Omoigui
ApplicantMicrosoft Corporation
5 Group Art Unit2176
ExaminerSHAH, SANJIV D.
6 Attorney's Docket No.MS1-362US
Title: Searching and Recording Media Streams

7 PETITION TO THE DIRECTOR
8

9 To: Commissioner for Patents
Alexandria, VA 22313-1450
10
11 From: Frank J. Bozzo (Tel. 206-315-4001; Fax 509-323-8979)
Lee & Hayes, PLLC
12 421 W. Riverside Avenue, Suite 500
Spokane, WA 99201
13

14 Customer No. 22801
15
16 This communication is in response to the Notice of Abandonment dated
17 June 14, 2005. Applicant respectfully requests consideration of the following
18 petition in response to the Notice.
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PETITION

This petition is filed under 37 CFR § 1.181(a) entitled "Petition to the Director." Applicant received a paper from the PTO dated 06/14/2005 indicating that the subject application was deemed abandoned because the PTO had not received a reply to an Office Action dated 10/08/04. Respectfully, however, applicant did file a timely response to the Office Action as described below and is substantiated by the attached exhibits. Thus, applicant respectfully submits that this application should not have been deemed as abandoned.

Applicant hereby submits, in accordance with 37 CFR § 1.181(b), the following statement of facts and exhibits.

1. Applicant prepared and filed a timely Response to the Office Dated 10/08/04. This Response was filed on 01/27/05. The Response included 20 pages of text, plus a Petition for Extension of Time and a Fee Transmittal. The Response is attached as Exhibit A.
2. This Response was filed by facsimile using the procedures set out by the PTO. Accordingly, a Certificate of Transmission under 37 CFR 1.8 was completed on 01/27/2005 by Pam M. Prellwitz, and faxed, along with the Response, Petition for Extension of Time, and Fee Transmittal to the PTO. The Certificate of Transmission is attached as Exhibit B.

1 3. Applicant's representative received from the PTO an "Auto-Reply
2 Facsimile Transmission" indicating that the above Response was
3 timely received on 01/27/2005 at 07:16:27 P.M. Eastern Standard
4 Time. This document indicates that 23 pages were received. The
5 Auto-Reply Facsimile Transmission is attached as Exhibit C.

6
7 Pursuant to 37 CFR § 1.181(b) and MPEP § 711.03(c)(I), in view of the
8 foregoing statement of facts and the attached exhibits, applicant respectfully
9 requests, that: (1) the Examiner's holding of abandonment be withdrawn; and (2)
10 the accompanying Response dated 01/27/2005 be entered as being previously
11 timely filed.

12
13 Respectfully Submitted,

14
15 Dated: July 12, 2005

16 By: Frank J. Bozzo

17
18 Frank J. Bozzo
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